

TO : THE CITY COUNCIL COUNCIL MEETING DATE: DECEMBER 20, 1989
FROM: THE CITY MANAGER'S OFFICE

RECOMMENDED ACTION: That the City Council hear all evidence pertaining to this matter and make a determination as to the need to proceed with the Notice of Public Nuisance and Order to Abate. If there is insufficient evidence of compliance with the Fire Department's Order to Abate issued on July 28, 1989, the Council should issue an order, certified by the City Clerk, that the buildings be demolished and all debris removed from the property.

BACKGROUND INFORMATION: On June 16, 1989, an inspection of the premises was conducted by Fire Inspector Don Hawkinson. As a result of this inspection, a Notice of Public Nuisance and Order to Abate was issued by Inspector Hawkinson on June 21, 1989. This Notice was mailed to the legally listed property owner, Ms. Angelantonio DeRubis of Washington, D.C., by certified mail with a return receipt requested. This letter was returned marked "unclaimed".

On July 27, 1989, Inspector Hawkinson again inspected the property. He issued a second Notice of Public Nuisance and Order to Abate on July 28, 1989, and mailed it to Ms. DeRubis by certified mail with a return receipt requested. This letter was signed for by Angelantonio DeRubis on August 1, 1989.

On August 27, 1989, Fire Marshal Steven Raddigan spoke with Ms. DeRubis by telephone and granted an extension of the compliance date for demolition of the buildings on the property until October 7, 1989, and followed up on the conversation with a letter to Ms. DeRubis stating that the extension had been granted and that if no action was taken by her on or before October 7, 1989, he would proceed with the abatement proceedings. He also informed her that this process would involve the City Council ordering the buildings demolished and assessing the cost of demolition work to the property.

Ms. DeRubis has been notified by letter that this item will be on the **December 20, 1989**, City Council agenda.

Larry F. Hughes
Fire Chief

LH / 1m

CITY COUNCIL

JOHN R. (Randy) SNIDER, Mayor
DAVID M. HINCHMAN
Mayor Pro Tempore
EVELYN M. OLSON
JAMES W. PINKERTON, Jr.
FRED M. REID

CITY OF LODI

CITY HALL, 221 WEST PINE STREET
CALL BOX 3006
LODI, CALIFORNIA 95241-1910
(209) 334-5634
TELECOPIER: (209) 333-6795

12/20 FU
THOMAS A. PETERSON
City Manager
ALICE M. REIMCHE
City Clerk
BOB McNATT
City Attorney

December 5, 1989

NOTICE OF CITY COUNCIL HEARING

YO: Ms. Angelantonio DeRubis
2755 Ordway Street NW 406
Washington, DC 20008

NOTICE OF CITY COUNCIL HEARING REGARDING NOTICE OF PUBLIC NUISANCE AND ORDER TO ABATE AND ORDER TO VACATE

Public records indicate that you are the current legal owner of the real and improved property in the City of Lodi, County of San Joaquin, State of California, described as follows:

713 South Sacramento Street, Lodi, CA 95240, also commonly known as Assessor Parcel No. 045-240-07.

As the property owner, you were served with a Notice of Public Nuisance and Order to Abate and Order to Vacate by certified mail on July 28, 1989, which Notice listed specific items that had rendered the structures on said property a public nuisance as defined by Section 202 et seq. of the Unsafe Building Abatement Code of the City of Lodi.

In that Notice certain dates were also specified as to the time when the required work had to have been commenced and had to have been completed. As of this date, the work ordered in the previous Notice has been given an extended period of time in which to be completed but as yet has not been satisfactorily done, nor approved by the Chief Building Inspector.

Therefore, pursuant to Sections 401 (b, 4) of said Uniform Code for the Abatement of Dangerous Buildings, you are hereby notified that the Fire Marshal of the City of Lodi will bring the matter of said property and the findings listed above before the City Council of the City of Lodi at their regular meeting on Wednesday, December 20, 1989, at 7:30 p.m. at Carnegie Forum, 305 West Pine Street, Lodi, California, requesting that the City Council (1) declare the structure unsafe and a public nuisance and (2) subsequently order the vacation until repair of said

Ms Angelantonio DeRubis
December 5, 1989
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structures with the cost and expense being assessed to you, the property owner.

BY ORDER OF THE LODI CITY COUNCIL:

Alice M. Reimche
Alice M. Reimche
City Clerk

Approved as to form:

BW McNatt
Bobby W. McNatt
City Attorney

Dated: December 5, 1989

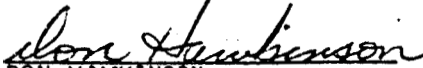
DECLARATION OF POSTING

On JAN 11, 1990 in the City of Lodi, San Joaquin County, California, I, Don Hawkinson, posted on the following property a copy of the Order in the Matter of the Public Nuisance by Reason of the Maintenance of a Structure at 713 South Sacramento Street marked Exhibit A:

- a) Angelantonio DeRubis
713 South Sacramento Street
Lodi, CA 95240

I declare under penalty of perjury that the foregoing is true and correct.

Executed on JAN 16, 1990 at Lodi, California.


DON HAWKINSON
Fire Inspector

12/20 F/U

ORDER
IN THE MATTER OF THE PUBLIC NUISANCE
BY REASON OF THE MAINTENANCE OF A
STRUCTURE AT 713 SOUTH SACRAMENTO STREET

The City Council of the City of Lodi finds that:

1. Steven W. Raddigan, Fire Marshal of the City of Lodi, did cause to be inspected the premises at 713 South Sacramento Street;
2. Said inspection resulted in the Fire Marshal finding that the premises were a public nuisance as defined in the Abatement of Dangerous Building Code of the City of Lodi and that the same should be demolished;
3. Said Fire Marshal caused a Notice to be prepared setting forth his findings and the corrections that were to be made in order to comply with the codes of the City of Lodi and the laws of the State of California;
4. A copy of said Notice was mailed on July 28, 1989 and that a declaration of mailing is on file with the City Clerk;
5. A declaration of Donald Hawkinson that a copy of said Notice was posted on said premises on September 7, 1989 and is on file with the City Clerk;
6. More than 30 days have elapsed since the mailing and posting of said Notice and that no person has appeared to protest or object to the findings of the Fire Marshal;
7. The written testimony of the Fire Marshal and the pictures presented therewith establish that the structure located on the real property more particularly hereafter described, is unsafe and a public nuisance;
8. That the building has not been occupied and does not meet current building and housing codes that would permit occupancy;

IT IS THEREFORE ORDERED by the City Council of the City of Lodi that:

1. The owner, Mrs. Angelantano De Rubis, of the hereinafter described premises, is hereby ordered and directed to remove the building and structure situated on the hereinafter described real property and that said work of removal should be commenced not less than **30** days after the issuance of this Order and said work shall proceed to its completion on or before **60** days from the date of the passage of this Order.
2. Copies of this Order shall be posted on the building and served in the manner and upon the persons set forth in Section 401(c),(d) (e) of said Unsafe Building Abatement Code.
3. In the event that said building is not demolished or removed on or before February 17, 1990, then the Public Works Director shall cause bids to be obtained for the cost of the demolition work and the bid shall be awarded to the lowest and best bidder, and in the case of the sale of material to the highest and best bidder.

The structure herein referred to is situated on real property in the City of Lodi, County of San Joaquin, described as follows:

The South 46.35 feet on the North 92.75 feet of Lot two (2), Block three (3) of HUTCHIN'S ADDITION OF LODI, according to the Official Map on file in the Office of the County Recorder of San Joaquin, in Vol.1, page 58, San Joaquin County Records. SAVE AND EXCEPT THEREFROM the West 163.4 feet. The said West 163.4 feet measured to the center line of School Street on the West. A.P.N. 045-240-07.

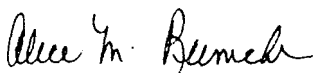
Passed and adopted by the City Council of the City of Lodi at a regular meeting of said Council on 12/20/89 by the following vote:

Ayes: Council Members - Hinchman, Olson, Pinkerton and Snider

Noes: Council Members - None

Absent: Council Members - Reid

I hereby certify that the above "Order In the Matter of the Public Nuisance By Reason of the Maintenance of A Structure At 713 South Sacramento Street" is a true and correct copy of the Order adopted by the City Council of the City of Lodi at a regular meeting of said City Council on December 20, 1989.


ALICE M. REIMCHE
City Clerk

DECLARATION OF POSTING

On _____ in the City of Lodi, San Joaquin County, California, I, Don Hawkinson, posted on the following property a copy of the Order in the Matter of the Public Nuisance by Reason of the Maintenance of a Structure at 713 South Sacramento Street marked Exhibit A:

- a) Angelantonio DeRubis
713 South Sacramento Street
Lodi, CA 95240

I declare under penalty of perjury that the foregoing is true and correct.

Executed on _____ at Lodi, California.

DON HAWKINSON
Fire Inspector

ORDER
IN THE MATTER OF THE PUBLIC NUISANCE
BY REASON OF THE MAINTENANCE OF A
STRUCTURE **AT 713 SOUTH SACRAMENTO STREET**

The City Council of the City of Lodi finds that:

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3. Said Fire Marshal caused a Notice to be prepared setting forth his findings and the corrections that were to be made in order to comply with the codes of the City of Lodi and the laws of the State of California;
4. A copy of said Notice was mailed on July 28, 1989 and that a declaration of mailing is on file with the City Clerk;
5. A declaration of Donald Hawkinson that a copy of said Notice was posted on said premises on September 7, 1989 and is on file with the City Clerk;
6. More than 30 days have elapsed since the mailing and posting of said Notice and that no person has appeared to protest or object to the findings of the Fire Marshal;
7. The written testimony of the Fire Marshal and the pictures presented herewith establish that the structure located on the real property more particularly hereafter described, is unsafe and a public nuisance;
8. That the building has not been occupied and does not meet current building and housing codes that would permit occupancy;

IT IS THEREFORE ORDERED by the City Council of the City of Lodi that:

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2. Copies of this Order shall be posted on the building and served in the manner and upon the persons set forth in Section 401(c),(d) (e) of said Unsafe Building Abatement Code.
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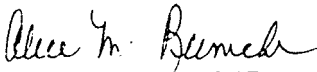
Passed and adopted by the City Council of the City of Lodi at a regular meeting of said Council on 12/20/89 by the following vote:

Ayes: Council Members - Hinchman, Olson, Pinkerton and Snider

Noes: Council Members - None

Absent: Council Members - Reid

I hereby certify that the above "Order In the Matter of the Public Nuisance By Reason of the Maintenance of A Structure At 713 South Sacramento Street" is a true and correct copy of the Order adopted by the City Council of the City of Lodi at a regular meeting of said City Council on December 20, 1989.


ALICE M. REINCHE
City Clerk